

Amendment to the Drawings:

The amended Figure 4 of the drawings, will replace all previous versions. The amendment was made to Figure 4 to correct a typographical error. No new subject matter has been added. An annotated sheet has been attached for the Examiner's review and a replacement sheet has been attached as an appendix at the end of this Amendment.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

The Applicant would like to bring to the attention of the Examiner what he believes to be an error in the preparation of the Office Action dated March 23, 2006. In making the 103(a) rejection on page 2, item 5 of the Office Action, the Examiner cites both LARSON and HIRATA patents but within the same rejection the Examiner references patent # 5,136,636 invented by Carol A. WEGRZYNOWICZ. Larson and Hirata were the prior art cited in the previous Office Action dated July 11th, 2005 to which the Examiner, in the instant Office Action, indicates the Applicant's arguments are moot. The applicant believes the Examiner's intention was to include the Wegrzynowicz patent in place of the Hirata patent and as such the applicant is proceeding with his arguments based on Wegrzynowicz being the cited prior art rather than Hirata. If this is not the case the Examiner is respectfully requested to contact the Applicant by telephone to discuss how to proceed.

Relating to the rejections of the claims outlined in the Office Action dated March 23, 2006, all claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen (U.S. Pat. 5,539,635) in view of Wegrzynowicz (U.S. Patent 5,136,636). Reconsideration and allowance of the above-identified application are respectfully requested in view of the following remarks.

Regarding claim 1, the Applicant argues that the Examiner has not established a prima facie case of obviousness under 35 USC 103. Specifically Larson or Wegrzynowicz neither alone or in combination suggests, teaches, discloses or renders obvious each and every element of Applicant's claim 1. Additionally, the Examiner has failed to establish sufficient motivation for the combination.

Relating to the Larson prior art cited, the Examiner is relying on Larson for basically all claim elements other than the geographic ID and the ANI references. Respectfully, Larson should not be used as a reference in this rejection and it will be discussed later whether Larson has any relevance to the Applicant's claim 1. The Larson data structure is based upon mapping radio programs to time, day and broadcaster information. (Col. 3; lines 5 – 9 and lines 24 – 27, Col. 5; lines 55 – 60) Users of the Larson system are required to enter all of time, day and broadcaster information (in this order) to identify a radio program (not a broadcast signal). (Col. 2; lines 18-20 & Col. 5; lines 55 – 60) Larson assumes the user of his invention knows the broadcaster, if no broadcaster identification is provided or an incorrect ID is provided, a radio program cannot be identified. The invention does not function without a broadcaster ID.

The Applicant's claim 1, does what Larson cannot, assists a user with the identification of the critical broadcaster ID. In other words, what Larson is requiring for information input is what the Applicant's claim 1 outputs. The last element of Applicant's claim 1, recites:

identifying said radio or television broadcast from said subset of data upon receipt of said broadcast identifier.

For clarity "said radio or television broadcast" draws its antecedent basis from the previous recitation within the claim, which occurs within the first element:

digitally storing in a database, geographic identification codes associated with an area or location of a radio or television broadcast signal, said database further storing data representing said at least one broadcast identifier associated with said radio or television broadcast signal;

Respectfully, this review of the claim and "radio or television broadcast signal" has been presented to make clear that the Applicant's claim 1, "identifies a radio television broadcast signal" rather than a "program" or "program item" as might be inferred by the phrasing "broadcast ID" related by the Examiner, in his Office Action referencing Larson (Office Action, page 3, first paragraph second last line of the first paragraph).

Based upon the fact that Larson absolutely requires a broadcast ID to function and the Applicant's claim 1 provides this critical function, the Applicant respectfully requests withdrawal of the Larson reference and allowance of all claims as presented.

In addition to the comments concerning Larson, the Applicant wishes to draw the Examiner's attention to the Wegrzynowicz reference, relating specifically to comments concerning the third element within Applicant's claim 1. The Examiner has indicated that the entire third element of claim 1, is taught by Wegrzynowicz and states, "that based on the ANI of the calling party (which reads on claimed geographical ID), the system connects the customer to the database that contains providers that correspond to the customer's geographical area." And in a previous recitation the Examiner further describes Wegrzynowicz, "Wegrzynowicz discloses a system wherein when a customer dials a "1-800" number, the system receives the area code and phone number of the calling party in order to direct the customer to the list of providers that services the instant subscriber's area, see Abstract & col. 4, lines 1-12. Wegrzynowicz operates by routing the customer to a second database that contains dealers in the same local area as the instant customer" (Underlining added.)

It can now be understood from the Examiner's reading of Wegrzynowicz, that the database function of the primary database as taught by Wegrzynowicz, is to route the caller information to a secondary database that contains telephone numbers relating to "a dealer in the same local

area" as the caller. Based on the Examiner's analysis, it seems obvious that the initial look-up by the primary database does not "create a subset of data" but rather uses NPA (caller's telephone area and exchange code) to look-up "a number for identifying the secondary database" (Wegrzynowicz Col 2, lines 49-53). Further, the primary database does not create the secondary database identifier, but provides a look-up reference of one identifier to route to the secondary database. At best, Wegrzynowicz teaches routing versus creating data and certainly not a subset of data. Even if Wegrzynowicz's secondary database were considered (which does not appear to be the Examiner's intent) there is no "subset of data created" but rather a telephone number is provided to route the caller. As it is apparent that there is no creating of a subset within Wegrzynowicz as it relates to the Applicant's element, the Applicant respectfully submits that the claim is allowable over the cited art. **If the Examiner maintains the rejection based on the Wegrzynowicz reference the Examiner is respectfully requested to specifically relate the areas within Wegrzynowicz that read on the Applicant's feature relating to "creating a subset of data".**

Further, relating to the rejection of claim 1, the Applicant respectfully submits that the Examiner has failed to establish a **prima facie case of obviousness**. On page three of the Office Action the Examiner states, "It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Larsen with the technique of sorting providers, including broadcasters based on their geographical location, at least for the improvement of allowing customer's to dial a single "1-800" number, but to access providers that are local to the customer as taught by Wegrzynowicz."

As indicated earlier within this Amendment, the Larson reference is used to reject all claims, and assumes that users of his invention know the broadcast ID of a broadcast, without which the Larson invention will not operate. The Applicant's claims provide as an output what Larson expects as an input, a broadcast ID.

Further, Larson's invention provides program information while Wegrzynowicz's invention looks-up a telephone number to transfer callers to service providers. Due to the diverging subject matter, the Applicant fails to understand the motivation to combine the two references. Larson's intention is to automate access to program information specifically so callers do not have to contact a broadcaster. Wegrzynowicz's application, routes telephone callers to service providers and is all about the ease of contacting someone by telephone, and relating to the opposite intent of Larson by putting two parties together on the telephone. These two references do not lend themselves to be combined. Additionally, it should be noted that none of the prior art cited, specifically relate to the use of Applicant's claim 1, to identify radio and

television broadcasts. Also, neither of the references cited, in combination or alone, teach or suggest, specifically each and every element of Applicant's claim 1. Should the Examiner maintain the rejection, he is respectfully requested to outline how the references relate to the criteria required as outlined in the MPEP 2143.01, relating to suggestion or motivation to modify the references.

Concerning to the two remaining independent claims, claims 19 and 20, the Applicant believes independent claim 20 comprises similar subject matter as claim 1, and is allowable over the cited prior art for the reasons previously discussed.

With respect to claim 19, rather than presenting a detailed review of the claim elements as required to maintain the rejection under 35 USC 103(a) dealing with obviousness, independent claim 19, has been summarily rejected based upon the Examiner's references of the prior art cited in claim 1. The Applicant submits that claim 19, should be allowed for at least the reasons given above for claim 1, but in addition, the Applicant wishes to point to features of claim 19 that further distinguish it from the prior art cited which, respectfully, appear to have been overlooked by the Examiner in rejecting this claim. Claim 19, has been restated below:

A method for identifying a broadcast over a network comprising the steps of:

receiving a network address associated with a user inquiry;

querying a database of stored network addresses wherein each stored address or part thereof is indexed to a group of broadcast identifiers;

determining whether said received network address matches one of said stored network addresses;

if one of said stored network addresses matches the received network address, retrieving said indexed group of broadcast identifiers corresponding to said network address; and

receiving an input signal associated with said user inquiry, selecting one of said broadcast identifiers.

(Emphasis added.)

The claim language of claim 19 is significantly different than that of claim 1, in particular, a "stored network address" is indexed to a "group of broadcast identifiers". In the rejection of the claim 1, the Examiner relies upon Larson's teachings of the "broadcaster ID" in rejecting the "broadcast identifier" feature of the Applicant's claim 1, by stating, "In particular, Larsen teaches storing in a database 64, at a radio program distribution system 8, the broadcast ID of a range of radio programs, and corresponding channels/frequency," As has been realized by the Examiner,

Larson at best, stores one broadcast ID per broadcaster. Applicant submits that Larson does not disclose an "indexed group of broadcast identifiers" and as such, the Applicant respectfully suggests that claim 19 is patentable over Larson in view of Wegrzynowicz. In addition, within Wegrzynowicz, the telephone numbers stored in the database are associated with a service provider, wherein each telephone number is associated to a single service provider, as opposed to being indexed to a group of service providers. If the rejection is maintained, the Examiner is respectfully requested to explain how the reference is being interpreted to suggest the pertinent subject matter of claim 19.

The applicant requests review of particular ones of the dependent claims. The Applicant also requests that prosecution of the remaining independent claims, not addressed below, be held in abeyance until such time as patentable subject matter is established.

Claim 3, in combination with claims 2 and 1, present a unique feature of the invention that enables the identification of a broadcast identifier through a touchtone telephone in the most efficient manner and requiring the least number of touchtone key strokes. (Page 19, lines 9-13) This aspect of the invention is directed to broadcast identifiers comprising alphabetic characters where only one telephone keypad keystroke is required for each alphabetic letter as opposed to conventional touchtone telephone keypad input that requires multiple touchtone keystrokes to identify essentially every second and third alphabetic character on a touchtone telephone keypad. The Examiner cites the Larson reference in rejecting claim 2, but the Examiner goes on to reject claim 3 based on Wegrzynowicz's teachings "that the calling party's telephone number is used to generate a list of providers local to the instant telephone number." Respectfully, the Examiner seems to have overlooked the key feature of claim 3 which reads, (in combination with claims 1 and 2)

wherein said database further includes digital data representing telephone keypad numbers for said at least one broadcast identifier, wherein said at least one broadcast identifier comprises or contains alphabetic characters. (emphasis added)

Neither Larson or Wegrzynowicz teach storing **touchtone keypad numbers for broadcast identifiers, in which of the broadcast identifier contain alphabetic characters**. At best, Wegrzynowicz stores the telephone numbers themselves which by default are numeric in contrast to the Applicants claim 3 that stores the telephone keypad numbers relating to alphabetic characters. (Figure 4.) If the Examiner maintains the rejection of claim 3, in view of Wegrzynowicz, the Examiner is respectfully requested to direct the applicant to the portion of

Wegrzynowicz's disclosure where she teaches *storing touchtone keypad numbers for broadcast identifiers, in which a broadcast identifier contains alphabetic characters*

The Examiner in grouping claims 7-12, 15 & 23-27, into one rejection has not taken into the consideration the features as described by each claim, either alone or in any reasonable combination. For instance, with respect to claim 8 (which depends on claims 7 and 1), the Examiner's rejection relates, "the combination of Larson and Wegrzynowicz teaches indexing broadcasters, according to geographical information, which requires the transmission/reception of program descriptions, col. 3, lines 25-45 & col. 5 lines 35-67"

Nowhere within the rejection is there reference to "program descriptions are transmitted in the order corresponding to a program schedule or list", as described in Applicant's claim 8 and 25. Neither, Wegrzynowicz or Larson teach transmitting program descriptions based on a program or list. As previously described Larson teaches accessing program descriptions by time, day and broadcaster information not transmitting according to a program schedule. Larsen's time, day, broadcaster information maps to one program item not a program schedule.

Similarly, with respect to claim 9, no support for the rejection can be found within the paragraphs recited by the Examiner. The applicant maintains that locating program descriptions remotely and linking customers to the remote program descriptions (Page 25, lines 22-26) is both unique and inventive and not taught in Larsen and Wegrzynowicz. If the examiner maintains the rejection the applicant respectfully requests further clarification as to the reference and reasons for the rejection based upon this specific claim.

The applicant respectfully requests withdrawal of the rejection of claim 11, when considered in combination with claims 8, 7 and 1. Larsen maps program descriptions based on time, day, and broadcaster information with all three required to access program information. As previously discussed, the applicant's presently claimed invention does not require the input of all of time, day and broadcaster information and only requires the receipt of a broadcast identifier.

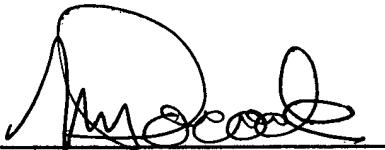
Various embodiments of the applicant's teachings require the synchronization of program descriptions with a program schedule to insure the correct program description(s) are transmitted. (Page 7, lines 5-13 & page 14, lines 25-26 & page 15, lines 1-25) Nothing within the Examiner's comments or the prior art cited, teach the Applicant's synchronizing feature as outlined in claim 11. If the examiner maintains the rejection based on Larsen, the applicant respectfully requests further clarification as to how Larsen accomplishes the combined teachings of claims 7 and 8 - program descriptions synchronized with program schedule or list combined with program descriptions are transmitted in the order corresponding to a program schedule or

list and 11 - transmission of said program descriptions is synchronized with said program schedule or list, while also including the limitations of claim 1.

Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

By: 

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Annotated Sheet Showing Changes



FIG. 4

